

RESOLUTION ON INDIA

There have been worrying signs of growing intolerance in India's public sphere. Dissenting viewpoints are commonly dismissed as 'pseudo-secularist,' 'anti-national' or 'unpatriotic', and writers, journalists, artists and public figures who voice the concerns of religious, social and linguistic minorities — which can comprise tens of millions of people — are routinely harassed into silence for questioning the status quo.

Authorities and private individuals can choose from an array of vaguely-worded, broad and overlapping laws with which to attack artists, writers, journalists, public figures and other communicators, including criminal defamation and sedition laws.

Civil society has repeatedly called attention to the deteriorating climate for freedom of expression. Prominent writers and artists have returned official awards to protest the 'atmosphere of intolerance' that prompted the September 2015 lynching of a Muslim in Dadri, and the murders of the scholars M.M. Kalburgi and Govind Pansare.

In a positive development, public interest litigation by a civil liberties NGO — the People's Union of Civil Liberties — prompted the Madras High Court, on 7 July 2016, to overturn a controversial community ban on the novelist Perumal Murugan. In its judgment, the court emphasises that it is the state's responsibility "to ensure proper police protection where such authors and artists come under attack from a section of the society" and that the government should create an "expert body to deal with situations arising from such conflicts of views" because in "matters of art and culture, the issue cannot be left to the police authorities or the local administration alone, especially when there is a spurt in such conflicts."

In January 2016, researchers from PEN International, PEN Canada and the International Human Rights Program at the University of Toronto visited Jaipur, Hubli and Delhi to interview lawyers, writers, journalists, human rights activists and members of civil society about the rise in attacks on dissent and press freedom and the resulting chill on freedom of expression. The concerns raised in these interviews strongly indicate that India's political leaders and judiciary cannot afford to ignore the country's deteriorating climate for freedom expression and the resulting chill on freedom of expression.

The Assembly of Delegates of PEN International, meeting at its 82nd World Congress in Ourense, Galicia (Spain), 26th September to 2nd October 2016, calls on the Indian government to:

- Immediately repeal s. 124A of the IPC (sedition) which has been used to prosecute high profile defendants on overbroad national security charges with highly controversial evidence;
- Repeal criminal defamation laws and other legislation used to restrict legitimate expression;
- Launch a public education campaign to inform citizens of their legal rights in the face of harassment and threats by non-state actors, both online and offline;
- Appoint an expert body along the guidelines suggested in *S. Tamilselvan & others v The Government Of Tamil Nadu* (the Perumual Murugan judgement) to review complaints against authors and artists and prevent vexatious and groundless infringements of their freedom of expression;
- Train police to recognise and properly respond to harassment and threats, both online and offline;

- Set up effective witness protection programmes.

